

**IN THE UNITED BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO: 14-33608-H5-13
	§	
Ronald Hernandez and	§	
Maria Delrosario Hernandez	§	
	§	
Debtor(s)	§	CHAPTER 13

DEBTOR(S)' AMENDED MOTION TO MODIFY CONFIRMED PLAN

The Debtor(s) file this Motion to Modify their confirmed plan.

Notice of Time to Object and Notice of Hearing.

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN THIRTY (30) DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN THIRTY (30) DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHT. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

IF AN OBJECTION OR RESPONSE IN OPPOSITION TO THIS PROPOSED MODIFICATION IS FILED, THEN A HEARING ON THIS PROPOSED MODIFICATION IS SET. IF AN OBJECTION IS NOT FILED WITHIN TWENTY ONE (21) DAYS FROM THE SERVICE OF THIS MOTION, THE COURT MAY CONSIDER THIS MOTION WITHOUT THE NECESSITY OF A HEARING.

1. HISTORY OF CASE. This case was filed on ***June 30, 2014***. The plan was confirmed on ***January 20, 2015***. The plan has previously been modified by order(s) entered on the following date: N/A.

2. REASON FOR MODIFICATION.

A. Debtors are modifying their confirmed Chapter 13 Plan to cure arrears owed to the Chapter 13 Trustee. Debtor fell behind to trustee due to job loss, now has new employment and is able to make the payments to the trustee.

B. Modifying plan to provide for four post-petition mortgage payments in the amount of \$2,475.28 for the months of 8/2015, 9/2015, 10/2015 and 11/2015. Ongoing payments will resume December 1, 2015.

C. Modifying plan to take out Harris County property taxes from the plan, because they have already been paid through debtors Mortgage Company's escrow account.

D. Modifying to surrender the 1999 Ford Escort SE back to Loan Depot.

3. PLAN PAYMENTS UNDER CONFIRMED PLAN. The current plan (as modified through this date) requires payments as follows:

A. Months: 1-7 Payment: \$1,440.00

B. Months: 8-60 Payment: \$1,675.00

4. PAYMENTS PREVIOUSLY MADE. As of the date this motion was filed, the Debtor(s) have made payments to the Chapter 13 Trustee totaling \$17,295.40. Attached as Exhibit "A" is a schedule of all amounts received by the Chapter 13 Trustee.

5. FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED). The proposed modified plan requires future payments as follows:

A. Months: 18-60 Payment: \$1,910.00

6. CURRENT DEFAULTS. The Debtor(s) are currently in default on payments to the Chapter 13 Trustee as follows:

Dollar amount in default: \$1,028.46

Number of months in default: 0.54

Last payment made: December 22, 2015

Amount of last payment: \$881.54

7. PROPOSED PLAN MODIFICATIONS:

A. All payments set forth in paragraph 6 are cured by this modification.

8. INTERIM PAYMENTS. Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

9. BUDGET. The Debtor's schedules "I" and "J" that the Debtor(s) request to be considered with this modification are attached as exhibit "B".

10. ATTORNEYS' FEES (Check One):

☒ Debtor(s)' counsel shall be paid \$450.00 as a fixed fee for this modification. This box may not be checked if the modification was proposed within 120 days of the date on which the plan was confirmed.

☐ If Debtor(s)' counsel seeks compensation; a separate application will be filed. If no application is filed, no compensation will be paid.

Dated:

<u>/s/Ronald Hernandez</u>	<u>01/06/2016</u>
Signature of Debtor	Date

<u>/s/Maria Delrosario Hernandez</u>	<u>01/06/2016</u>
Signature of Debtor	Date

<u>/s/ Kenneth A. Keeling</u>	<u>01/06/2016</u>
	Date

Kenneth A. Keeling
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Attorney for Debtor(s)

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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Motion to Modify has been served either electronically or by United States First Class Mail on this 8th day of January, 2016 as follows:

UNITED STATES TRUSTEE

United States Trustee
515 Rusk, Ste. 3516
Houston, TX 77002

CHAPTER 13 TRUSTEE

William E Heitkamp
9821 Katy Freeway Suite 590
Houston, TX 77024

DEBTOR(S)

Ronald Hernandez and Maria Delrosario Hernandez
8302 Glenview Drive
Houston, TX 77017

CREDITOR(S)

IRS- Insolvency Section
Stop 5022 Hou
1919 Smith Street
Houston, Texas 77002

IRS- Centralized Insolvency
Operations
P.O. Box 21126
Philadelphia, PA 19114

United States Bankruptcy
Court
PO BOX 61288
Houston, Texas 77208

Acs Primary Care Phys
PO Box 5406
Cincinnati, OH 45273

Ad Astra Rec
8918 W 21st St. N Suite 200
Mailbox: 112
Wichita, KS 67205

Afni
Attention: Bankruptcy
1310 Martin Luther King Dr
Bloomington, IL 61701

Akron Billing Center
2620 Ridgewood Rd, Ste 300
Akron, OH 44313

Ars Account Resolution
1801 Nw 66th Ave
Fort Lauderdale, FL 33313

AT & T
P.O. Box 930170
Dallas, TX 75393-0170

AT & T Wireless
P O Box 7951
Westbury, NY 11590-7951

Aurora Loan Services
Attn: Bankruptcy Dept.
2617 College Park
Scottsbluff, NE 69361

Autonation Ford Gulf Freeway
12227 Gulf Freeway
Houston, Texas 77034

Barri Finance
1535 Elton Street
Houston, TX 77034

Barrifinance
4717 Telephone Road
Houston, TX 77087

Bay Area Credit Service
50 Airport Pkwy, Suite 100
San Jose, Ca 95110

Bristol West Insurance Services
P.O. Box 7142
Pasadena, CA 91109

Caliber Home Loans, In
715 S. Metropolitan Ave
Oklahoma City, OK 73108

Cca/cds
Po Box 46101
Las Vegas, NV 89114

Certified Recovery Sys
6161 Savoy Dr Ste 600
Houston, TX 77036

Chase
OH1-1188
340 S. Cleveland Ave Bldg 370
Westerville, OH 43081

Chex Systems
7805 Hudson Rd, Suite 100
Woodbury, MN 55125

City of Houston
P.O. Box 1560
Houston, Texas 77251

City of Houston Emergency
P.O. Box 4945
Houston, Texas 77210

Comcast
P O Box 660618
Dallas, TX 75266-0618

Credit Collections Svc
PO Box 773
Needham, MA 02494

Credit One Bank
PO Box 60500
City of Industry, CA 91716

CrossCheck, Inc.
6119 State Farm Dr.
Rohnert Park, CA 94928

Diversified Consultant
10550 Deerwood Park Blvd
Jacksonville, FL 32256

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256

Eos Cca
700 Longwater Dr
Norwell, MA 02061

First Cash Advance
690 E Lamar Blvd, Suite 400
Arlington, TX 76011
Attn: Collections Dept

Fstampay-mermacise Acq
100 Throckmorton St Ste
Fort Worth, TX 76102

Green Tree Servicing L
332 Minnesota St Ste 610
Saint Paul, MN 55101

Harris County
Mike Sullivan - Tax Assessor
P. O. Box 4622
Houston, Tx 77210-4622

Harris County Hospital District
P.O. Box 203736
Houston, TX 77216

Hou Firfi
4200 Kolb St
Houston, TX 77007

Infinity County Mutual
Insurance Company
3700 Colonnade Parkway
Birmingham, AL 35243

Internal Revenue Service
Centralized Insolvency
Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Lamont Hanley & Associ
1138 Elm St
Manchester, NH 03101

Linebarger Goggan Blair &
Sampson
1300 Main Suite 300
Houston, TX 77002

Loan Depot
11460 Fuqua Ste 700
Houston, TX 77089

LVNV Funding
PO Box 10497
Greenville SC 29603

Memorial Herman Hospital
P.O. Box 201367
Houston, Texas 77216-1367

Memorial Radiology
1415 North Loop West #810
Houston, Texas 77008

Nco Fin/38
2360 Campbell Crk Ste 50
Richardson, TX 75082

NCO Financial
PO Box 15393
Wilmington, DE 19850

Northland Group Inc
P.O. Box 390857
Edina , MN 55439

Pinnacle Financial Group
7825 Washington Ave South Ste 310
Minneapolis, MN. 55439

Pite Duncan
4375 Jutland Dr. Ste. 200
San Diego, CA 92177

Selene Finance Lp
9990 Richmond
Houston, TX 77042

Speedy / Rapid Cash
8400 E. 32nd Street North
Wichita, KS 67226

Sullins Johnston Rohrbach &
Magers
Attorney At Law
3200 Southwest Freeway
Houston, Texas 77027

T-Mobile
PO Box 660252
Dallas, TX 75266

TCI
Total Card, Inc
5109 S Broadband Lane
Sioux Falls, SD 57108-2241

Team Fin Fcu
10959 Ella Blvd
Houston, TX 77067

Texans Anesthesia Associates
P.O. Box 421969
Houston, TX 77242-1969

TJD Financial Services
1803 S. Texas Ave.
Bryan, TX 77802

TXU Energy
P.O. Box 650700
Dallas, TX 75265

Urology Institute Of Houston
7737 Southwest Fwy Ste 900
Houston, Texas 77074-1807

Westlake Financial Svc
4751 Wilshire Blvd Suite 100
Los Angeles, CA 90010

Respectfully submitted,
KEELING LAW FIRM

/s/ Kenneth A. Keeling

ATTORNEY FOR DEBTOR(S)